he live to enjoy such a measure of repose as he may find consistent with his pleasure or his health.

At a recent meeting of the Agricultural and Arts Association an honourable gentleman is reported to have said—speaking of the ruling of a County Judge in a criminal case before him, wherein he held that a provision in an Ontario Act was *ultra vires*,—"That it was not merely a mistake, but a piece of impertinence to place his judgment above that of the Legislature of Ontario." If such language was used, it was *grossly* impertinent on the part of the speaker, and betrayed an amount of ignorance of the judicial position not usually found in the speaker's position in life. Vice-Chancellor Strong speaking on this subject says—"Suppose that a provincial legislature should assume to confer on a justice of the peace the power to try summarily a charge of felony; it cannot be doubted but that it would be the duty of the tribunal [a justice of the peace], although the lowest in the scale of jurisdiction to treat the Act as a nullity:" (*Re Goodhue*). The judge may have been right or wrong in his ruling; a provision in the Dominion Act may have escaped his attention; but however that may be, the language applied to the judge by this speaker was improper and unbecoming. Had the Attorney-General been there on this occasion, we believe he would not have allowed it to pass unnoticed, as did another member of the Government who would seem to have been present.

MARRIED WOMAN'S ACT OF 1872.

It was not to have been expected that the Married Woman's act of 1872, should be long in force without questions arising under it for adjudication. It was decided in *Merrick et al.* v. *Sherwood*, 22 C. P. 467, that an action at law might be maintained against a married woman who was sued apart from her husband in respect of a debt incurred by her before the passing of the act. Mr. Justice Gwynne in his judgment (in which Galt, J., concurred), referred to the liability in equity of a married woman's separate estate for her debts, before the act, and to the essence of the debt consisting in this, that it was incurred by virtue of a credit given to the married woman upon the faith of *her* estate. The ninth section, in the opinion of the learned judge, simply gave the appropriate remedies to and against the wife. From this judgment the Chief Justice of the Common Pleas dissented, holding that the act had not a retrospective effect, and that the defendant was not liable.

The other case we would now refer to is *Dingman* v. *Austin*, in which judgment has recently been given in the Queen's Bench. It turned upon the first section of the Act of 1872, which says that "the real estate of any married woman which is owned by her at the time of her marriage, or acquired in any manner during her coverture, &c., shall be held and enjoyed free from any estate or claim of the husband, &c., and any married woman shall be liable on any contract made by her respecting her real estate, as if she were a *feme sole*." The Chief Justice in giving judgment referred especially to the peculiarity of the wording, "*is* owned," in the first part of the section, as implying that there was no retrospective intent. He sums up the result of his argument in these words: "By a fair reading of the section it seems to me to apply to marriages which take place *after* the passing of the Act." He did not think that this view conflicted with the case of *Merrick et al.* v. *Sherwood*, in which it was not necessary to decide upon the meaning of the first section.

There is, therefore, the peculiarity in this Act, that one section is retrospective in its effect, and another is not. Without